

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.500 of 2006
in
F.A.St no.2468 of 2006

Office Notes, Office Court or Judge's Order
Memorandum of Coram
appearance, Court's
Orders & Directors
and Registrar's Order

Mr. Xavier for BMC applicants
Mr. B P Shukla for respondent

CORAM; A.M.KHANWILKAR J.

DATED 27.2.2006

P.C.

. Heard counsel for the parties.
Perused the application. There is
delay of 328 days in filing the
appeal. The explanation has been
offered in the application. However,
the applicants were called upon to
file better affidavit if so
advised. Further affidavit has been
filed sworn by Mr. Sayed A K,
Superintendent (Courts). From the
affidavit now filed it transpires that
it was wrongly mentioned in the civil

application that certified copy was applied on 25.1.2005. Instead it is seen that that the impugned order was passed on 23.3.2004 and certified copy was applied on 5.4.2004. The certified copy was made available on 1.2.2005 and after processing the matter at different levels by the local department, ultimately the appeal came to be filed on 23.9.2005, resulting in delay of about 328 days.

. The learned counsel for the BMC argued that the court should take lenient view while considering the delay in filing appeals on behalf of the Government bodies. In support of this submission he relied upon the Supreme Court decision in the case of Special Tahasildar, Land Acquisition Kerala vs K V Ayisumma, reported in AIR 1996 SC 2750. Accordingly this application is allowed in terms of prayer clause (a). office objections if any same be removed within two weeks from today failing which the matter to stand dismissed for non

prosecution without reference to
court.